

MISC. CIVIL APPLICATION NO. 1069 OF 1988.

Date of decision: 8.1.1996.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. S.V. Parmar, advocate for petitioners.

Mr. P.M. Raval, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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January 8, 1996.

Oral judgment (Per Soni, J.)

Alleging that order of Development Commissioner is not followed and complied with, present application is filed for taking necessary action under the Contempt of Courts Act. The Development Commissioner passed an order declaring that certain resolutions passed by the Panchayat is not in consonance with the powers given to

the Panchayat under Schedule III of Section 237 of the Gujarat Panchayats Act. In our opinion, this is an administrative order and the authority who has passed the order does not come within the purview of the Court subordinate to the High Court under Section 10 of the Contempt of Courts Act. Therefore, this application is not maintainable.

Apart from this, learned advocate for the petitioners is absent. Hence, application is dismissed. Rule discharged. No costs.